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California's Child Abduction Task Force Summary Report

Office of Criminal Justice Planning

Child Abduction Task Force

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CALIFORNIA'S CHILD ABDUCTION TASK FORCE

SUMMARY REPORT



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The Governor's Office of Criminal Justice Planning

The Children's Branch

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California Child Abduction
Task Force
California's Child Abduction
Task Force summary report



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FOREWORD

February 1999

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CALIFORNIA'S CHILD ABDUCTION TASK FORCE SUMMARY REPORT

Child abduction is a parent's worst nightmare. It strikes terror in families, friends, schools, and communities.

A group of Central California residents felt the fear, emptiness, uncertainty, guilt, and anger after a series of child abduction-murders in a three-year period. They sought to prevent similar tragedies from unfolding elsewhere.

Hearing the citizens' pleas, the Governor's Office of Criminal Justice Planning (OCJP) formed the California Child Abduction Task Force to identify issues to improve the response to, and increase awareness of, child abduction.

On behalf of Governor Gray Davis, I present California's Child Abduction Task Force Summary Report.

This report, available to members of the State Legislature, administrators, policy makers, law enforcement officials, judges, and other professionals who deal with child abduction, serves several purposes: First, it is a guidebook to increase understanding of the dynamics of stranger abductions and those carried out by a family member, close friend or loved one. Second, it identifies issues, existing problems or deficiencies that must be addressed in order to prevent the numerous abductions that occur annually, and as a means of follow-up, it suggests recommendations and courses of action. Last, it serves as a ready reference.

The Governor, task force members, and I hope the citizens of California will see positive changes as a result of the Child Abduction Task Force Summary Report recommendations. By understanding the identified issues and tackling the suggested actions, we can shape a safer California for our children.

Sincerely,



FRANK GRIMES
Executive Director

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MISSION STATEMENT

OF THE

CHILD ABDUCTION TASK FORCE

The mission of the Child Abduction Task Force is to reduce the risk and incidence of child abduction and increase the effectiveness of a multidisciplinary response by enhancing skills, knowledge, and awareness of child abduction. It was with this mission in mind that the Policy and Standards Subcommittee and the Training Subcommittee met to further identify issues related to child abduction, and prepare recommendations to defeat child abduction.

CHILD ABDUCTION TASK FORCE MEMBERS

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INTRODUCTION AND BACKGROUND

Concerns about child abduction were brought to the attention of the Office of Criminal Justice Planning by a group of citizens from Central California which had experienced numerous abductions/murders between 1994-1997. The citizens were desperately asking for help publicizing concerns about child abduction statewide.

In a continuing effort to identify issues relevant to the prevention of violence against children, the Office of Criminal Justice Planning convened an ad hoc committee of experts familiar with the issues of child abduction.

The committee first met on June 12, 1996. Member representation comprised a broad range of professionals with expertise in the area of child abduction, including: federal, state, and local law enforcement personnel from administrators to patrol officer and county prosecutors; social service clinicians; educators; nonprofit administrators; and child advocates.

Numerous issues relating to child abduction were identified which require the attention of criminal justice policy and decision makers. Both family abduction and nonfamily abduction issues were identified and reviewed. The issues were divided into two categories – those that dealt with policy and standards and those that involved training – for further discussion and research: To review the issues, two subcommittees were formed: the Policy and Standards Subcommittee and the Training Subcommittee. Subcommittees met to identify, clarify, and recommend solutions for the most crucial issues.

Committee members met at the expense of their own agency, devoting time and incurring travel expenses to participate at subcommittee meetings. Several ad hoc committee members enthusiastically participated on both subcommittees; a core group of members have remained committed to meeting on a regular basis.

In July 1998, funds were allocated from the California Children's Justice Act Task Force to allow the ad hoc committee to formally become the California's Child Abduction Task Force.

The task force will consist of members of the ad hoc committee who will meet quarterly to maintain an ongoing review of child abduction issues.

This report provides introductory information about child abduction and summarizes the findings and recommendations by the Child Abduction Task Force.

FUTURE DIRECTION OF THE CHILD ABDUCTION TASK FORCE

Given that numerous priorities exist for tasks which the Child Abduction Task Force can commit to, the following priority was identified for initial action:

Development of a training curriculum which equally emphasizes family and nonfamily abduction facts and issues. The curriculum will be comprised of a core section applicable to all audiences, a multidisciplinary component and various individually tailored components.

Training, public prevention education and a media campaign will be offered through the use of a multidisciplinary team of trainers comprised of Child Abduction Task Force members and project personnel from the three pilot projects. Priority audiences include:

- first responders (law enforcement, child protective services, district attorney personnel);
- legal, judicial and legislative personnel; and
- OCJP funded child abuse, domestic violence, and sexual assault project personnel.

CHILD ABDUCTION STUDY LIMITATIONS

The most recent comprehensive study on the national incidence of missing, abducted, runaway, and throwaway youth was published by the U.S. Department of Justice in 1990. The *National Incidence Study of Missing, Abducted, Runaway, and Throwaway Children* (NISMART) report, used 1988 estimates of abducted children as its basis for reporting incident rates. Data was collected from six sources: household surveys, a juvenile facilities survey, a returned runaway study, a police records study, FBI data re-analysis, and a community professionals study.

While serving as a tool for child abduction incidence reporting, the statistics contained in the NISMART study are nearly ten years old, thus reducing their impact as a current and factual representation of the increasing incidence of child abduction.

In an effort to obtain up-to-date estimates on the national incidence of child abduction cases, members of the task force contacted the U.S. Department of Justice, the National Center for Exploited and Missing Children, and searched the Internet. None of these sources

provided current statistics, and the first referred to the NISMART study as the central source for statistics on child abduction.

The objective of the NISMART study was to estimate the incidence of children abducted by family members and nonfamily members.

The most recent data available on missing children, for the State of California, comes from the California Department of Justice's Missing/Unidentified Persons Unit. The incidences for 1997 in California break down as follows: Parental/Family Abductions, 2,793; Stranger Abductions, 81; Suspicious Circumstances (possible stranger abductions), 948; and Unknown Circumstances, 5,990.

DEFINITIONS

There are two types of child abductions:

Family abduction was defined as a situation where a family member or person with a right of custody took a child in violation of a custody agreement or decree; and failed to return a child at the end of a legal or agreed-upon visit, with the child being away at least overnight.

Nonfamily abduction was defined as the coerced and unauthorized taking of a child into a building or a vehicle for a distance of more than 20 feet by a person without a right of custody.

Highlighted below are relevant facts about family and nonfamily abductions, according to the NISMART study and the *Families of Missing Children: Psychological Consequences and Promising Interventions* report prepared by the Center for the Study of Trauma, University of California at San Francisco in 1992.

Family abduction facts include:

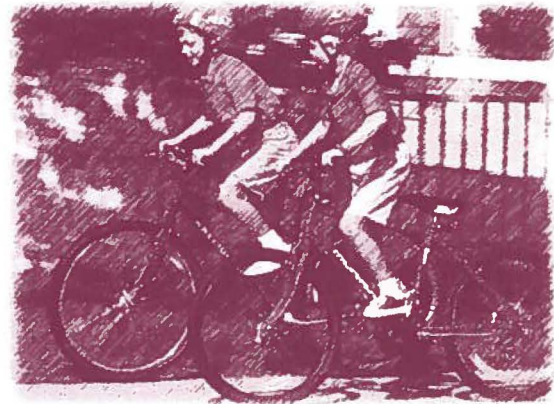
- An estimated 354,100 cases of family abduction occur annually in the United States. Forty-six percent of these (an estimated 163,200 abductions) involve concealment of the child, transportation of the child out of state or an intent by the abductor to keep the child indefinitely or permanently alter custody.
- Approximately half of the family member abductions involved men who were either noncustodial fathers or father figures.
- Most abducted children were between the ages of 2 to 11.

- Half of the abductions involved unauthorized taking, and half involved failures to return the child after an authorized visit or stay.
- Fifteen percent of the abductions involved the use of force or violence; 75 percent to 85 percent involved taking the child out of state.
- Almost half of the family abductions included an abductor with a criminal record and history of violent behavior, substance abuse, or emotional disturbance.

Child victims of family abduction have had their names and appearance altered, experience medical or physical neglect and may be subjected to homelessness, frequent moves, and unstable schooling. Children are often told lies about the abduction and the left-behind parent. Sometimes they are told the left-behind parent is dead. The child often becomes psychologically and emotionally distressed. Long-term effects vary, based on the degree of traumatic events, resiliency of the child and follow-up support to process the events of the abduction.

Nonfamily abduction facts include:

- Authors of the study cautioned that nonfamily abductions could be underestimated due to a lack of uniform police reporting procedures.
- The most common victims are adolescent girls, 11 to 14 years old, and younger boys, 6 to 9 years old.
- Two-thirds of short-term abductions involved sexual assault.
- A majority of victims were abducted from the street, with as many as 85 percent involving force and more than 75 percent involving a weapon.
- Most abductions last less than 24 hours. The number of known short-term abductions is considered by most researchers and practitioners to be underestimated due to police reporting methods and a lack of reporting by victims/families.
- An estimated 114,600 attempted abductions occur annually. All involve suspects who are not known to the child's family.



In each case of abduction, the child, the family and community are irrevocably changed by the tragedy of this form of violence and child abuse.

CHILD ABDUCTION IS CHILD ABUSE

The concept that child abduction is child abuse has gained slow acceptance. The psychological trauma inflicted upon a child abducted by a stranger is certain to be acknowledged, but an abduction by a family member has long been minimized as not having serious consequences because the child knows the abductor.

The psychological consequences of child abduction have far-ranging affects. Not only is the child affected, but the child's parent(s), sibling(s), extended family and their friends and schoolmates are deeply affected.

Child abductions affect children in communities near and far (parents, teachers, and school counselors attest to this). The well-known case of Polly Klaas is a perfect example of how far ranging the media was to a missing and abducted child. School children were not only worried about Polly, but were terrorized by the prospect that they could be abducted. The consequences of worry and fear stay with children for long periods, sometimes indefinitely.

Torn from everyone and everything familiar, the abuse children suffer as the result of an abduction often includes: being poorly cared for; moved frequently from town to town or house to house; inconsistent and unpredictable food and shelter; inconsistent and erratic, or nonexistent school attendance. Middle class children are frequently plunged into poverty and instability; a life of deprivation and neglect that in itself is traumatic for the child.

Similarly, abducted children sometimes live out of vans, existing like transients, hungry and dirty. Neglect and malnutrition are common. Stranger abduction cases have included sexual assault, pornographic exploitation, a child being held for ransom, and homicide. Abducted children are told stories such as not being wanted; that they were sold by the left-behind parent/family; or that their parent has died. Some abducted children have their name changed and may be forced into taking on a completely false identity, lying out of fear that they will be punished by the abductor if they do not go along with the story that covers the abduction. Most of these children are murdered if not released within a few hours.

If recovered and reunited with family, the trauma does not stop for the child. Long-lasting effects include: excessive fearfulness and anxiety, fear of going outside the house or being around strangers, increased regressive behavior, nightmares, poor concentration, underachievement in school, and mistrust in others, even familiar adults and family members. Children may stop growing emotionally as well as socially and academically. Mistrust in adults may lead to an inability to develop healthy relationships as the child matures.

CHILD ABDUCTION HURTS MANY PEOPLE

During the development of the Ad Hoc Committee on Child Abduction, committee members felt it was important to share real life stories to emphasize the seriousness of child abduction incidents. The following are real life cases of child abduction and are a testimony to the emotional impact child abduction has on many parties, including the responding law enforcement agency.

- **“You know, my daddy really does love me.”**

A 5-year-old boy, who thought his father didn't love him anymore:

The father of a 12-year-old girl contacted the Stanislaus County District Attorney's Child Abduction Unit (CAU) in an effort to locate his daughter. He contacted various law enforcement agencies which told him the abduction was a “civil” matter in which they could not become involved. The father lived in a neighboring coastal county and was divorced from his daughter's mother, who he believed was somewhere in either Stanislaus or Tuolumne County.

The CAU located the mother and daughter, and incidentally a 5-year-old boy, all living in her vehicle. Pursuant to the current court order, the girl was successfully returned to her grateful father, where follow-up contact later found that she was adjusting to school; however, she was behind her peer group.

The mother refused to cooperate and reveal the name of the father of the 5-year-old as she remained in custody for the concealment of the 12-year-old. The boy was taken into protective custody while his father's identity and whereabouts were researched. Ultimately, the boy's birth certificate was found through vital records. His father was contacted, and he was thrilled to hear his son had been found. He began to cry on the phone, telling how he had almost given up hope of finding his son, even though he had hired private investigators.

The father had not seen his son for two years. His son had disappeared when he had filed a paternity action to get custody of the child. He was never able to locate the mother to serve her the court documents. These facts were verified by the CAU.

Upon being reunited with his father, the boy was very apprehensive and curious. He had been told that his father left him, did not care for him and did not want to see him. The boy became comfortable enough to leave with his father within an hour of their reunion. At the request of the CAU, the father brought the boy back the next day so CAU staff could see

how he was adjusting. Spotlessly clean and in new clothes, the boy was spontaneous and obviously attached to his father. When asked how he was doing, he said, "You know, my daddy really does love me."

The father was able to serve the paternity papers on the mother, gain sole custody, and provide a large home with all the benefits a father is eager to give to his son. During the past five years, the father and son have periodically visited the staff of the CAU to express their appreciation for reuniting them.

• **"Thank you for never giving up hope."**

An excerpt from a letter of appreciation to Vanished Children's Alliance (VCA) staff, after a child was reunited with his mother from an abduction that lasted 12 years:

"How do I begin to thank you and everyone else at VCA? You are the best!"

After 12 years, you never gave up hope when a lot of others did. You always remembered me and kept my spirits up. Miracles do happen and finding our son is proof of that. Maybe this story will help other parents who have children that have been missing for a long time.


Our son is doing wonderful. He will begin school tomorrow and is really looking forward to it. His father was extradited to Louisiana on Friday. His bond is set at \$1,000,000 cash. Yes, one million dollars cash! We are being very vocal about needing the laws changed."

Of course, not all cases of abduction end in success. For the families of abducted children who never see their sons or daughters again, their life is full of wondering if their children are alive or dead, cared for or abused, leading a semi-normal life or one of enslavement to abuse and degradation.

• **"Five children in one rural area."**

Central California was hit hard by five abduction/murders during the three-year period between 1994-1997. The cases have caused community members to band together





in searching for missing children, holding candlelight vigils and in mourning the deaths of their lost children.

In seemingly separate incidents involving four girls ranging in ages 6 to 11 years and one 2-year-old boy, arrests have been made in three of the cases, but two cases remain unsolved. The mother of one child whose abductor has not been found has been public in exclaiming, “I will not be able to rest until my daughter’s killer has been found. I have a numbness that will not go away.”

In each case involving the girls, there was evidence of sexual assault and pornographic exploitation. In one case, the abductor had pornographic materials that filled an entire storage space. During his trial, evidence was presented which proved that he had rented 12 pornographic videos in the 24-hour period prior to the child’s abduction. The convicted abductor’s sister testified to a ten-year history of incest perpetrated by her brother.

To date, two accused abductors have been convicted of murder. One is serving a death sentence, the other life without possibility of parole. Another accused kidnapper/murderer awaits trial and the two perpetrators in the remaining cases are currently at large.

SIGNIFICANT CONCERNS ABOUT CHILD ABDUCTION

The Child Abduction Task Force identified common misconceptions and problematic issues related to child abduction. The following significant concerns are highlighted:

- Child abduction is not uniformly considered to include both family and nonfamily abductions.
- A protocol does not exist that includes an objective assessment of the risk to the child, regardless of the abductor's status: family vs. nonfamily abductor.
- Family and nonfamily abductions should not be handled in the same manner. Protocols for each need to be developed. However, both types of abductions are of equal importance.
- Family child abduction cases are often considered to be civil cases when they should be considered criminal cases which present a high potential for physical injury and emotional trauma to the child.
- Child abduction by a family member is often perceived by law enforcement to present a minimal risk because the abducted child is with a family member.
- Standardized approaches for all aspects of law enforcement and the prosecution process need to be developed.
- All local, state, national and international child abduction resources, and categories of assistance need to be identified and maintained as a resource guide. (Internet capabilities can enhance this possibility.)
- There are cases of homicide/suicide which actually began as a child abduction but are never recognized as a case of abduction, and consequently, are not filed as such.
- Law enforcement response time for a family-related (nonstranger) child abduction is generally a lower priority than a nonfamily (stranger) abduction.
- Domestic violence cases often involve a child abduction, which goes unrecognized and unreported.

- The serious emotional or physical trauma of child abduction is often minimized and not viewed as child abuse.
- There is a need for an ongoing multidisciplinary task force to address the prevention, education, location, recovery and reunification of abducted children.
- Current statistics do not adequately reflect the number of family child abduction cases because incidents are often reported as other types of crimes that are not entered by law enforcement agencies, or are recorded as only “missing child” reports.

Recognition of the above concerns led the task force members to identify specific issues, recommendations, and action plans. These are summarized on the following pages.



ISSUES RELATING TO PROBLEMS OF UNIFORM DEFINITIONS

Issue #1

A lack of uniform definitions relating to child abductions results in:

- inaccurate and underreporting child abductions; and
- inappropriate criminal justice response to child abduction.

Issue #1a

Child abduction is not uniformly considered to include both family and nonfamily abductions.

Recommendation

Include nonfamily abductions as well as family abductions, concealments, and custodial disputes in the definition of child abduction for reporting purposes. All these situations should be reviewed for the potential of being harmful to the missing child. The potential for long-term trauma should also be recognized.

Course of Action

- The Child Abduction Task Force will request that the Department of Justice check with law enforcement agencies to determine if they are including nonfamily abductions as well as family abductions, concealments, and custodial interference into their entries in the Missing/Unidentified Persons System (MUPS) of the National Crime Index Center (NCIC) system.
- The Child Abduction Task Force will request the Department of Justice and the California District Attorneys' Association to work together in developing a system to allow District Attorneys' Child Abduction units access to MUPS.

Issue #2

Family abductions are usually assessed with less urgency than nonfamily abductions by first responders.



Recommendation

Each case of child abduction should be immediately evaluated with the same standards for potential risk, danger, and harm to the child regardless if the perpetrator is a family member or stranger.

Course of Action

- The Child Abduction Task Force will develop a uniform evaluation instrument for use by first responders statewide, to assess risk, danger, and harm to a child.

Issue #3

The United States Department of Justice, Federal Bureau of Investigation's current uniform crime reporting guidelines list Penal Code Sections 278 and 278.5 as family support offenses. Many state and county crime charging guidelines use language which denotes a civil characterization to family abductions. This misleads the criminal justice system and the public and minimizes the seriousness of the offense, potentially resulting in non-, or inappropriate response, thereby increasing the danger to the minor(s). This is particularly true when requests for assistance are initiated to jurisdictions outside California. (Penal Code Sections 278 and 278.5 are in Appendix B).

Recommendation

Use uniform titles and language which denote the criminal characteristics of the offense on all official documents and publications as they relate to family and nonfamily child abductions.

Course of Action

- The California Child Abduction Task Force will compose a letter to the Attorney General requesting an Executive Order to change arrest warrant class and to change Penal Code Sections 278, 278.5 from "Family Offense" to "Criminal Abduction" for the purposes of entry into the National Crime Index Center (NCIC).

ISSUES RELATING TO THE JURISDICTIONAL HANDLING OF CHILD ABDUCTION

Since child abductions frequently involve multiple law enforcement jurisdictions across local, state, national or international boundaries, there is a need to enhance the capability for an expeditious, collaborative multijurisdictional response by the professional system that deals with these crimes.

Issue #4

There is no statewide child custody order registry database. Since the custodial parent and the family abductor frequently live in different jurisdictions, a central registry is needed to document custody orders and make this information available to law enforcement.

Recommendation

Include child custody orders in the existing domestic violence registry or establish a statewide child support registry and make this information accessible to law enforcement.

Course of Action

- The Child Abduction Task Force will request that the Department of Justice study the development of a statewide custody order registry system in coordination with the court system. Then study the development of making the system national/international.

Issue #5

Local law enforcement does not have consistent, clearly stated guidelines to determine the law enforcement response with jurisdictional criteria listed in Penal Code Section 784.5 and Family Code Section 3130. (Penal Code Section 784.5PC is in Appendix B)

Recommendation

Establish legislation to amend Penal Code Section 784.5 to clarify and prioritize jurisdictional issues for investigation and prosecution.

Course of Action

- Request that the California District Attorneys' Association sponsor legislation to amend Family Code Section 3130 and Penal Code Section 784.5 to identify the principal county, the district attorney unit, or law enforcement jurisdiction responsible for the investigation of missing children from abduction or concealment through recovery.

Issue #6

Federal and state confidentiality laws prevent the sharing of information between law enforcement and social services which delays the recovery of abducted children.

Recommendation

Identify and modify federal and state confidentiality laws that create obstacles to information-sharing to allow law enforcement immediate access to assist in risk assessment and in locating and recovering missing children.

Course of Action

- The Child Abduction Task Force and the California District Attorneys' Association work in partnership to research confidentiality laws to identify and modify statutes and state requirements which would allow law enforcement's immediate access to information concerning investigations into missing, concealed or abducted children.



ISSUES RELATING TO THE REFORM/REVISION OF LEGISLATION FOR CHILD ABDUCTION LAWS

Some issues related to an effective response to child abductions are best resolved through legislative change.

Issue #7

Parents and minors impacted by Penal Code sections dealing with kidnap and child abductions (207, 277, 278, 278.5) are not currently defined as victims of crime without a conviction of the abductor. This makes them ineligible for California Victim Assistance funds if the abductor is not found and convicted, often resulting in little or no follow-up service to the traumatized minor(s) and family. (Penal Code Sections 207, 277, 278, and 278.5 are in Appendix B).

Recommendation

Amend existing statute to add abducted children and their families as eligible for Victim Witness Assistance funds, regardless of whether the abductor is convicted, in both nonstranger and stranger abduction cases.

Course of Action

- Continue to support legislation that provides Victim Witness Assistance for abducted children, while supporting their protections to keep them from being subpoenaed in court proceedings.

Issue #8

Ongoing legislative review and analysis is needed to continually update and revise statutes in response to increased occurrences of child abduction.

Recommendation

Form a committee to review all statutes pertinent to child abduction issues to ensure that legislation is responsive to the issue.

Course of Action

- Request the Child Abduction Task Force and the California District Attorneys' Association establish a committee to continuously review child abduction legislation.



ISSUES RELATING TO THE USE OF PROTOCOL SYSTEMS

Uniform protocol does not exist to assist local, state, national and international law enforcement and courts in addressing the needs and rights of lawful custodians and child victims in a coordinated, consistent, and expeditious manner.

Issue #9

Due to California's geographic location and demographics, many family child abductions result in the wrongful taking of children to Mexico. While California prosecutors frequently seek the return of abducted children by invoking the Hague Convention on the Civil Aspects of International Child Abduction, there is no protocol within the California criminal justice system to expeditiously and effectively facilitate the return of the child from Mexico.

Recommendation

Develop protocol for presenting child abduction cases to the Mexican authorities through the Attorney General's Office in consultation with district attorneys. This protocol should be disseminated to local prosecutors throughout the state and incorporated into the Attorney General's Child Abduction Manual.

Course of Action

- The Child Abduction Task Force will request that the Attorney General's Office, in consultation with district attorneys, develop a protocol for presenting child abduction cases to the Mexican authorities.
- Once developed, disseminate the protocol to local prosecutors throughout the state and incorporate it into the Attorney General's Child Abduction Manual.

Issue #10

There is no standard statewide protocol regarding child abductions for cooperation of effort between law enforcement agencies, multidisciplinary agencies, and the use of resources in various jurisdictions.

Recommendation

Review existing procedures and develop a statewide protocol to include the following for:

- requests for assistance from other jurisdictions;
- standard resources for agency utilization;
- requests for assistance/resources from other agencies;
- coordinated interagency and multidisciplinary resources prompt response;
- investigation of child abduction cases;
- prosecution of child abduction cases;
- contact and interaction with minors at all stages of recovery, reunification, investigation, prosecution, and follow-up to reduce trauma;
- identification and reporting of potential or suspected cases of parental abduction by schools, day care and other organizations; and
- any court action related to hearing child abduction cases.

Course of Action

- The Child Abduction Task Force to develop minimum standards for a protocol.
- The Child Abduction Task Force to facilitate multidisciplinary regional Transfer Of Knowledge workshops throughout the state for the development of protocol.

Issue #11

Abductions can vary from nonviolent to premeditated violent abductions. Currently, the Federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) has the only known assessment tool to assess a potential abductor's behavior or a personality profile to identify the potential for abduction and decrease the risk of a child being abducted.

Recommendation

Develop a risk assessment tool to assist various personnel involved in the following:

- divorce proceedings;
- filing and issuance of restraining orders;
- issuance of child custody and child support orders;
- first responders to an abduction report;
- contested paternity hearings;

- any court action: juvenile, probate, guardianship; and
- social service and school-related service points.

Course of Action

- Child Abduction Task Force to obtain a copy of the existing Office of Juvenile Justice Delinquency Prevention (OJJDP) assessment risk tool to assess its appropriateness to California agencies. (Law enforcement, courts, social services agencies, schools.)
- Adopt or develop an assessment risk tool for use by California agencies; and
- Once an assessment tool is developed or adopted, distribute to appropriate agencies.





ISSUES RELATING TO TRAINING

Several Child Abduction Task Force members act as faculty for various child abduction training entities and are familiar with the current curriculum. As members shared their own experiences about training, it became evident that the amount and quality of training needs to increase, thereby improving the effectiveness of multidisciplinary responses to reduce the risk and incidence of child abduction.

There is a perception that family and/or nonstranger child abduction does not pose a significant danger or trauma to the child victim(s). This misconception can impact the timeliness, level and quality of first responder response and follow-up services to help the child if the child is recovered.

Issue #12

The term “family abduction” does not communicate the true nature of the potential imminent danger, or the significant long-term emotional trauma to the abducted child.

Issue #12a

The degree of potential danger to an abducted child must be considered serious during and after the abduction, with potential for long-term reactions and trauma.

Issue #12b

Child abduction by a nonstranger abductor is frequently an unrecognized form of family violence used against another parent.

Recommendation

Increased education is needed that reinforces the fact that no abduction is a safe situation. Any abduction harms a child’s welfare. Child abduction must be considered child abuse, family abuse, and/or domestic violence, and treated as such.

Course of Action for issues 12, 12a, and 12b

- The newly funded Child Abuse and Abduction Prevention Program, through the Office of Criminal Justice Planning, will fund three pilot projects that will be responsible for the development and implementation of a training and preventive public education program.



Issue #13

Insufficient funding for the development of training and public prevention education curriculum.

Recommendation

Research and identify funding sources to support training and public prevention education.

Course of Action

- Request that members of the Child Abduction Task Force and the Office of Criminal Justice Planning research and identify funding sources to be used for training and public prevention education.
- Request that the Child Abduction Task Force and California District Attorneys' Association sponsor legislation to include reimbursement for training within the mandate of Family Code Section 3130 et seq.
- The newly funded Child Abuse and Abduction Prevention Program, through the Office of Criminal Justice Planning, will fund three pilot projects that will be responsible for the development of curriculum for preventive public education.

Issue #14

Existing training for law enforcement tends to focus on either family abduction or nonfamily abduction, rarely combining the two as a focus during the same segment of training.

Recommendation

Existing training curriculum needs to be revised to include an emphasis on both family abduction and nonfamily abduction. Each subject should receive equal priority in subject matter and dissemination of information, including risk factors, investigation, and handling of a case. Each subject must be given equal emphasis as causing serious harm and abuse to a child.

Course of Action

- Request that Peace Officer Standards and Training (POST) enhance their training to include both family and nonfamily abduction giving emphasis to both types of child abduction.

Issue #15

Child Abduction training provided in the basic academy to law enforcement personnel is minimal. Ongoing, updated training in child abduction is typically not part of the Advanced Officer and Supervisor Training curriculum.

Recommendation

Law enforcement personnel should be provided specific training on family and nonfamily abduction in the following regimens: Basic Academy for new officers, Advanced Officer In-service Training, and Supervisor Training.

Course of Action

- Request that POST, the California District Attorneys' Association, the California Department of Justice, and the Department of Social Services participate in collaborative development of a family and nonfamily child abduction training curriculum for professionals.

Issue #16


The limited child abduction courses that are offered are generally oriented toward law enforcement personnel.

Numerous professionals who have regular contact with children are in a position to notice and report potential child abductions. However, these personnel are not trained to recognize signs of an impending abduction or assess risk factors that indicate an abduction may occur. Mandated reporters of child abuse are required to report suspicions of child abduction as part of the child abuse reporting law.

A broad range of professionals needs to understand the complexity of child abduction, the dangers, and after effects of abduction upon a child. Increased training programs, mandated training, public awareness, and prevention campaigns can all be beneficial to professionals and the public.

Recommendation

Mandated child abuse reporters must become familiar with child abduction issues by receiving training. State agencies with licensing and credentialing responsibility should mandate training for various professionals, as well as reporting requirements which make suspicion of child abduction a mandated reporting item.



Liaison efforts with state agencies that oversee the licensing and credentialing process for professionals who have contact with children as part of their work is necessary. Professionals working with children should receive a minimum number of hours of training in child abduction awareness, risk factors, and prevention. The California state agencies identified with governing power over a licensing and credentialing process include:

- Department of Health Services (health care professionals);
- Department of Social Services (county human service professionals);
- Department of Consumer Affairs (social workers, marriage, family, child counselors, chemical dependency/alcohol counselors); and
- Department of Education (teachers, classroom aides, preschool, day care providers).

The federal organizations identified as having influence over mandated training include:

- American Medical Association (health care professionals);
- American Psychological Association (mental health professionals); and
- National Association of Social Workers (human service professionals).

Course of Action

- Request that POST, the California District Attorneys' association, the California Department of Justice, and the Department of Social Services participate in collaborative development of a training curriculum for mandated reporters that includes family and nonfamily child abduction training. The Training Subcommittee identified entities requiring training and the means by which training can be offered. (See Appendix A.)

Issue #17

The general public is not aware of the seriousness of child abduction. While public awareness campaigns have highlighted child physical and sexual abuse and domestic violence, the growing problem of child abduction has not received the same attention.

Recommendation

The development and dissemination of a child abduction brochure, and public service announcements for television and radio release, would increase public awareness about the risk and consequences of child abduction. Brochures and public service announcements would be the most cost-effective method and would reach the greatest number of people.

Course of Action

- The newly funded Child Abuse and Abduction Prevention Program, through the Office of Criminal Justice Planning, will fund three pilot projects that will be responsible for the development and implementation of a training curriculum and a media campaign for preventive public education.

CONCLUSION

Within the last two years, due to the diligence of individuals throughout the State of California, several accomplishments have been made regarding child abduction. California now has a formally recognized Child Abduction Task Force. In Fiscal Year 1998-99 three projects will be established statewide to provide preventive education for child abduction. This report was developed and published to provide a continuing effort to address the issues of child abduction. This is just a beginning. Fortunately, a strong commitment exists to pursue further research in addressing the issues of child abduction and to help make California a safer place for our children.



Appendix A

Entities Requiring Training and the Means by Which Training Should be Offered

ENTITY	TRAINING MEANS
<u>Law Enforcement</u>	<u>Law Enforcement</u>
Line officer	Peace Officer Standards & Training (POST)
Dispatcher	Academy Standards (Basic)
Supervisors	In-service annual 24 hours minimum (mandated)
Investigators	Executive Command College
Crime prevention	Supervisory training
Administration	Detective training
	Emergency operators/dispatchers
	Crime prevention/community liaison
	Office of Criminal Justice Planning conferences
	Child Forensic Interview Training Curriculum
<u>Judicial</u>	<u>Judicial</u>
Judges	Judicial College: state and federal levels
Probation officers	Probation/parole associations
Family court services	Family court mediators association
State bar	County court clerks associations
Paralegal	State Bar Association Family Law Section
County clerks	County Bar Association Family Law Section
Private attorneys	
<u>Human Services</u>	<u>Human Services</u>
County human services departments	Department of Consumer Affairs:
Mental health professionals	Board of Behavior Science Examiners
Non-profit personnel	Department of Social Services:
Volunteers	Office of Child Abuse Prevention
	Department of Health Services
	Office of Criminal Justice Planning conferences
	California Psychological Association
	American Professional Society on
	Abuse of Children: Judge Harry Elias
	Office of Criminal Justice Planning training centers
	(Northern and Southern California)
	Northern, Central, & Southern California Child
	Abuse & Abduction Resistance Projects

ENTITY

District Attorney

Investigators
Deputy district attorneys
Administration
Victim advocates
Victim witness

Medical

Clinics
Hospitals
Sexual Assault Response Team

Education

County office of education
Teachers
Classified personnel
Preschool teachers
Classroom aides
Volunteers
School nurses
Parent Teacher Association

Federal

Military
Bureau of Indian Affairs
United States attorneys
Federal Bureau of Investigations
Customs agents
State department

Public

Children
Parents
Big Sister/Big Bros.
Service agencies
Churches
Scouting
Civic groups
Media
Foster parents

TRAINING MEANS

District Attorney

California District Attorneys' Association
California Family Support Council
National District Attorneys' Association
Office of Criminal Justice Planning conferences

Medical

Medical, dental, RN school curriculum
Continuing education
Sexual Assault Response Team training
American Medical Association/
American Dental Association/
American Psychological Association
Office of Criminal Justice Planning Sexual
Assault/ Domestic Violence curriculum
Medical board exams
Medical exam training centers

Education

California School Board Association
California Department of Education
California Teacher Association
National School Safety Council
Office of Juvenile Justice Delinquency Prevention
(Janet Johnston in Marin County)
Resource and referral network
Child abuse/abduction prevention programs

Federal

Military training
Judge advocate general corps

Public

Reintroduce prevention education
Brochures/flyers/pamphlets
Schools/child care facilities
Civic groups
Churches
District Attorney Family Support/Victim Witness
Youth groups
Public service announcements
Celebrity endorsements
Public Service Announcements on "COPS" and
"911"
Web page
Public Broadcasting Service

Appendix B

Legal Code References

Penal Code §207. Kidnapping Defined

- (a) Every person who forcibly, or by any other means of instilling fear, steals or takes, or holds, detains, or arrests any person in this state, and carries the person into another country, state, or county, or into another part of the same county, is guilty of kidnapping.
- (b) Every person, who for the purpose of committing any act defined in Section 288, hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any child under the age of 14 years to go out of this country, state, or county, or into another part of the same county, is guilty of kidnapping.
- (c) Every person who forcibly, or by any other means of instilling fear, takes or holds, detains, or arrests any person, with a design to take the person out of this state, without having established a claim, according to the laws of the United States, or of this state, or who hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any person to go out of this state, or to be taken or removed therefrom, for the purpose and with the intent to sell that person into slavery or involuntary servitude, or otherwise to employ that person for his or her own use, or to the use of another, without the free will and consent of that persuaded person, is guilty of kidnapping.
- (d) Every person who, being out of this state, abducts or takes by force or fraud any person contrary to the law of the place where that act is committed, and brings, sends, or conveys that person within the limits of this state, and is afterwards found within the limits thereof, is guilty of kidnapping.
- (e) Subdivisions (a) to (d), inclusive, do not apply to any of the following:
 - (1) To any person who steals, takes, entices away, detains, conceals, or harbors any child under the age of 14 years, if that act is taken to protect the child from danger of imminent harm.
 - (2) To any person acting under Section 834 or 837.

Penal Code §277 Child Abduction Defined

The following definitions apply for the purposes of this chapter:

- (a) "Child" means a person under the age of 18 years.
- (b) "Court order" or "custody order" means a custody determination decree, judgment, or order issued by a court of competent jurisdiction, whether permanent or temporary, initial or modified, that affects the custody or visitation of a child, issued in the context of a custody proceeding. An order, once made, shall continue in effect until it expires, is modified, is rescinded, or terminates by operation of law.

- (c) "Custody proceeding" means a proceeding in which a custody determination is an issue, including, but not limited to, an action for dissolution or separation, dependency, guardianship, termination of parental rights, adoption, paternity, except actions under Section 11350 or 11350.1 of the Welfare and Institutions Code, or protection from domestic violence proceedings, including an emergency protective order pursuant to Part 3 (commencing with Section 6240) of Division 10 of the Family Code.
- (d) "Lawful custodian" means a person, guardian, or public agency having a right to custody of a child.
- (e) A "right to custody" means the right to the physical care, custody, and control of a child pursuant to a custody order as defined in subdivision (b) or, in the absence of a court order, by operation of law, or pursuant to the Uniform Parentage Act contained in Part 3 (commencing with Section 7600) of Division 12 of the Family Code. Whenever a public agency takes protective custody or jurisdiction of the care, custody, control, or conduct of a child by statutory authority or court order, that agency is a lawful custodian of the child and has a right to physical custody of the child. In any subsequent placement of the child, the public agency continues to be a lawful custodian with a right to physical custody of the child until the public agency's right of custody is terminated by an order of a court of competent jurisdiction or by operation of law.
- (f) In the absence of a court order to the contrary, a parent loses his or her right to custody of the child to the other parent if the parent having the right to custody is dead, is unable or refuses to take the custody, or has abandoned his or her family. A natural parent whose parental rights have been terminated by court order is no longer a lawful custodian and no longer has a right to physical custody.
- (g) "Keeps" or "withholds" means retains physical possession of a child whether or not the child resists or objects.
- (h) "Visitation" means the time for access to the child allotted to any person by court order.
- (i) "Person" includes, but is not limited to, a parent or an agent of a parent.
- (j) "Domestic violence" means domestic violence as defined in Section 6211 of the Family Code.
- (k) "Abduct" means take, entice away, keep, withhold, or conceal.

Penal Code § 278 Taking, Enticing Away, Keeping, Withholding, or Concealing Child by Person Without Right of Custody—Punishment.

Noncustodial persons; detainment or concealment of child from legal custodian; punishment.

Every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars (\$1,000), or both that fine and imprisonment, or by imprisonment in the state prison for two, three, or four years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.

(Added by Stats.1996, c. 988 (A.B.2936), § 9.)

Penal Code §278.5 Taking, Enticing Away, Keeping, Withholding, or Concealing Child In Order to Deprive Lawful Custodian of Custody or Visitation Rights—Punishment.

Deprivation of custody of child or right to visitation; punishment.

- (a) Every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation, shall be punished by imprisonment in a county jail not exceeding one year, a fine not exceeding one thousand dollars (\$1,000), or both that fine and imprisonment, or by imprisonment in the state prison for 16 months, or two or three years, a fine not exceeding ten thousand dollars (\$10,000), or both that fine and imprisonment.
- (b) Nothing contained in this section limits the court's contempt power.
- (c) A custody order obtained after the taking, enticing away, keeping, withholding, or concealing of a child does not constitute a defense to a crime charged under this section.

Penal Code §784.5 Jurisdiction for Prosecution of Child Concealment or Detention in Violation of Custody Order.

The jurisdiction of a criminal action for a violation of Section 277, 278, or 278.5 shall be in any one of the following jurisdictional territories:

- (a) Any jurisdictional territory in which the victimized person resides, or where the agency deprived of custody is located, at the time of the taking or deprivation.
- (b) The jurisdictional territory in which the minor child was taken, detained, or concealed.
- (c) The jurisdictional territory in which the minor child is found.

When the jurisdiction lies in more than one jurisdictional territory, the district attorneys concerned may agree which of them will prosecute the case.

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